



Rep. William Davis

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1 AMENDMENT TO HOUSE BILL 1453

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1453 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Business Enterprise for Minorities,  
5 Females, and Persons with Disabilities Act is amended by  
6 changing Section 6 as follows:

7 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

8 (Section scheduled to be repealed on June 30, 2012)

9 Sec. 6. Agency compliance plans. Each State agency and  
10 State university under the jurisdiction of this Act shall file  
11 with the Council an annual compliance plan which shall outline  
12 the goals of the State agency or State university for  
13 contracting with businesses owned by minorities, females, and  
14 persons with disabilities for the then current fiscal year, the  
15 manner in which the agency intends to reach these goals and a  
16 timetable for reaching these goals. The Council shall review

1 and approve the plan of each State agency and State university  
2 and may reject any plan that does not comply with this Act or  
3 any rules or regulations promulgated pursuant to this Act.

4 (a) The compliance plan shall also include, but not be  
5 limited to, (1) a policy statement, signed by the State agency  
6 or State university head, expressing a commitment to encourage  
7 the use of businesses owned by minorities, females, and persons  
8 with disabilities, (2) the designation of the liaison officer  
9 provided for in Section 5 of this Act, (3) procedures to  
10 distribute to potential contractors and vendors the list of all  
11 businesses legitimately classified as businesses owned by  
12 minorities, females, and persons with disabilities and so  
13 certified under this Act, (4) procedures to set separate  
14 contract goals on specific prime contracts and purchase orders  
15 with subcontracting possibilities based upon the type of work  
16 or services and subcontractor availability, (5) procedures to  
17 assure that contractors and vendors make good faith efforts to  
18 meet contract goals, (6) procedures for contract goal  
19 exemption, modification and waiver, and (7) the delineation of  
20 separate contract goals for businesses owned by minorities,  
21 females, and persons with disabilities.

22 (b) Approval of the compliance plans shall include such  
23 delegation of responsibilities to the requesting State agency  
24 or State university as the Council deems necessary and  
25 appropriate to fulfill the purpose of this Act. Such  
26 responsibilities may include, but need not be limited to those

1 outlined in subsections (1), (2) and (3) of Section 7 and  
2 paragraph (a) of Section 8.

3 (c) Each State agency and State university under the  
4 jurisdiction of this Act shall file with the Council an annual  
5 report of its utilization of businesses owned by minorities,  
6 females, and persons with disabilities during the preceding  
7 fiscal year including lapse period spending and a mid-fiscal  
8 year report of its utilization to date for the then current  
9 fiscal year. The reports shall include a self-evaluation of the  
10 efforts of the State agency or State university to meet its  
11 goals under the Act.

12 (d) Notwithstanding any provisions to the contrary in this  
13 Act, any State agency or State university which administers a  
14 construction program, for which federal law or regulations  
15 establish standards and procedures for the utilization of  
16 minority, disadvantaged, and female-owned business, may ~~shall~~  
17 implement a disadvantaged business enterprise program to  
18 include minority, disadvantaged and female-owned businesses,  
19 using the federal standards and procedures for the  
20 establishment of goals and utilization procedures for the  
21 State-funded, as well as the federally assisted, portions of  
22 the program. In such cases, these goals shall not exceed those  
23 established pursuant to the relevant federal statutes or  
24 regulations. Notwithstanding the provisions of Section 8b, the  
25 Illinois Department of Transportation is authorized to  
26 establish sheltered markets for the State-funded portions of

1 the program consistent with federal law and regulations.  
2 Additionally, a compliance plan which is filed by such State  
3 agency or State university pursuant to this Act, which  
4 incorporates equivalent terms and conditions of its  
5 federally-approved compliance plan, shall be deemed approved  
6 under this Act.

7 (Source: P.A. 88-377; 88-597, eff. 8-28-94.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law."